

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

ARLENE D. GUMM, PAUL J. PONTIER,  
CYNTHIA PONTIER, DANNY HIGH, and  
MICHAEL F. HOLZHAUER, on behalf of  
themselves and all other similarly situated  
stockholders of JOHNSON CONTROLS,  
INC.,

Plaintiffs,

v.

ALEX A. MOLINAROLI, BRIAN J.  
STIEF, GREG GUYETT, DAVID P. AB-  
NEY, NATALIE A. BLACK, JULIE L.  
BUSHMAN, RAYMOND L. CONNER,  
RICHARD GOODMAN, JEFFREY A.  
JOERRES, WILLIAM H. LACY, JUAN  
PABLO DEL VALLE PEROCHENA,  
MARK P. VERGNANO, JOHNSON  
CONTROLS, INC., JAGARA MERGER  
SUB LLC, and TYCO INTERNATIONAL  
PLC,

Defendants.

Case No. 16-cv-1093PP

**JURY TRIAL DEMAND**

**PLAINTIFFS' CIVIL L. R. 7(h)  
EXPEDITED  
NON-DISPOSITIVE MOTION TO  
EXTEND DUE DATE FOR  
AMENDED COMPLAINT**

TO: Defendant Johnson Controls, Inc., by and through its attorneys, Bryan B. House, Foley & Lardner LLP, 777 E. Wisconsin Ave., Milwaukee, WI 53202.

PLEASE TAKE NOTICE that, pursuant to Civil L. R. 7(h), Plaintiffs, at a time to be determined, before the Honorable Pamela Pepper, United States District Court Judge, 517 E. Wisconsin Ave., Milwaukee, WI 5320, Courtroom 225, by telephone call, will and hereby do move for an Order in the form filed herewith, modifying the Court's Text Only Order dated September 14, 2016 to extend the date for filing an amended complaint.

Pursuant to Civil L.R. 7(h), Plaintiffs request:

- Expedited non-dispositive relief from the Court's Text Only Order dated September 14, 2016 to extend the date for filing an amended complaint, presently due

December 14, 2016.

- Pursuant to Civil L.R. 7(h)(1) and (2), ordering Defendants to respond hereto within one day.

### **BASIS FOR MOTION**

By its Text Only Order dated September 14, 2016, the Court approved the parties' stipulation (Dkt. No. 13) and ordered that "no later than thirty (30) days from the date the court signs an order appointing the lead plaintiff and counsel, the plaintiffs shall file an amended complaint." By its Order filed November 14, 2016 (Dkt. No. 40), the Court appointed Lead Plaintiffs and Lead Counsel. Accordingly, the amended complaint is due December 14, 2016.

On November 11, Defendants filed their response to Plaintiffs' motion for a preliminary injunction. Plaintiffs' reply was due December 1. The hearing on Plaintiffs' motion for a preliminary injunction is January 4, 2017.

Pursuant to Civil L. R. 37, on December 2, Plaintiffs requested of Defendants that they agree to extending the date for the amended complaint. Wagner Declaration. No response having been provided, Plaintiffs again on December 6 repeated the request via voicemail. *Id.* On December 7, Defendants responded and refused the request. *Id.*

Between November 11 and December 1, Lead Counsel was fully engaged in preparing Plaintiffs' reply to Defendants' opposition to Plaintiffs' motion for a preliminary injunction.

### **ARGUMENT**

Plaintiffs believe that the Court's ruling on Plaintiffs' motion for a preliminary injunction may significantly inform the preparation of an amended complaint. Pursuant to the Court's Text Only Order dated September 14, 2016, the Defendants have 45 days to answer or otherwise respond to the amended complaint. They have announced their intention to move to dismiss. Under the present schedule, Defendants will have the benefit of the Court's ruling on the pending motion for a preliminary injunction in formulating their arguments for dismissal. Plaintiffs submit that they should have the same opportunity in preparing the amended complaint.

The pending complaint (Dkt. No. 1) is 130 pages. The time between now and December 14 is insufficient to enable Plaintiffs to review and revise this complex complaint to incorporate the new information obtained in the course of pursuing the motion for a preliminary injunction.

Accordingly, Plaintiffs submit there is good cause to extend the date for filing an amended complaint until 30 days after the Court rules on Plaintiffs' motion for a preliminary injunction. In view of the time exigency and in view of the fact that Plaintiffs requested Defendants to agree to such an extension on December 2 but did not get a response until today, December 7, it is reasonable to order Defendants to respond hereto within one day.

Plaintiffs request that any oral argument deemed by the Court to be appropriate be by telephone conference call.

Dated: December 7, 2016

**WAGNER LAW GROUP, S.C.**

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